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PTO/SB/33 (07-05)

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## PRE-APPEAL BRIEF REQUEST FOR REVIEW

Docket Number (Optional)

40985/C685

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on June 21, 2006

Signature

*Renne M.F. Wyzykowski*

Typed or printed name

**Renne M.F. Wyzykowski**

Application Number

**09/699,031**

Filed

**October 27, 2000**

First Named Inventor

**Michael L. Obradovich**

Art Unit

**2162**

Examiner

**Baoquoc N. To**

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).

Note: No more than five (5) pages may be provided.

I am the

☐

applicant/inventor.

☐

assignee of record of the entire interest.

See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.  
(Form PTO/SB/96)

☒

attorney or agent of record.

Registration number **41,661**

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attorney or agent acting under 37 CFR 1.34.

Registration number if acting under 37 CFR 1.34

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**June 21, 2006**

Date

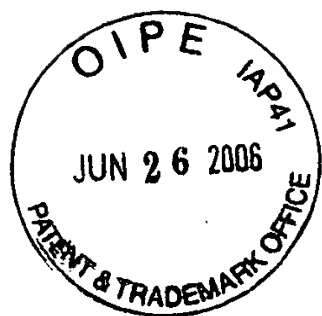
NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below\*.

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\*Total of 1 forms are submitted.

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

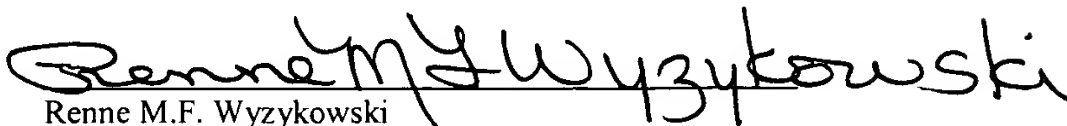
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PATENT

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Renne M.F. Wyzykowski

Appl No. : 09/699,031  
Applicant : Michael Obradovich  
Filed : October 27, 2000  
Title : SYSTEM AND METHOD FOR USER NAVIGATION

Confirmation No. 6778

TC/A.U. : 2162  
Examiner : Baoquoc N. To

Docket No. : 40985/DMC/C685  
Customer No. : 23363

**ARGUMENTS ACCOMPANYING PRE-APPEAL BRIEF  
REQUEST FOR REVIEW**

**Mail Stop AF**  
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June 21, 2006

Commissioner:

Applicant is filing this paper concurrently with a Pre-Appeal Brief Request for Review (form PTO/SB/33) and a Notice of Appeal. For the reasons set forth below, Applicant believes that a limitation of claims 1, 2 and 26-29 is not met by the reference upon which these claims are rejected under 35 U.S.C. § 102(b).

Claims 1-2 and 26-29 have been rejected under 35 U.S.C. § 102(b) as being unpatentable over Knockeart, U.S. Patent No. 6,680,694.

Claim 1 is directed to a method of using a personal computer device having a GPS receiver. Claim 1 specifies that the personal computer device determines by using its GPS receiver a location at which it becomes relatively immobile. Claim 1 also specifies that this personal computer device transmits to a server the location at which the it becomes immobile, and receives from the server information regarding the location. Claim 1 then recites

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"requesting, by the personal computer device, that the server store the information in a database associated with a user of the personal computer device." Applicant believes that Knockeart does not disclose or even suggest this limitation of claim 1.

Claim 1 recites " requesting, by the personal computer device, that the server store the information in a database associated with a user of the personal computer device." In rejecting claim 1, the Office action points to col. 42, lines 31-35, which states "using the remote configuration system, users of the navigation system can modify their records in user profiles 2232 that are stored at the server system. A user's profile is downloaded by the server system to the in-vehicle system in that user's vehicle, or can alternatively be stored on the server system." (Emphasis added).

The "remote configuration system 2230" in Knockeart is not part of a personal computer device in the context of claim 1. Instead, with reference to FIG. 22, Knockeart discloses at col. 42, lines 28-31 that "server system 125a also includes a remote configuration system 2230 that is coupled to LAN 2205, and that is also coupled to the Internet." Accordingly, as shown in FIG. 22, the remote configuration system 2230 is not associated with the in vehicle system 105, but is a component of the server system 125a.

Furthermore, although Knockeart discloses at col. 42, line 65 to col. 43, line 2 that "the user can access the remote configuration system in a variety of ways, including over the Internet, and over a voice telephone connection interacting with an automatic speech recognition device at the server," there is no disclosure or suggestion in Knockeart that the remote configuration system 2230 is accessible with the in vehicle system 105. Instead, Knockeart discloses that the remote configuration system 2230 is accessible over the Internet and over a voice telephone connection.

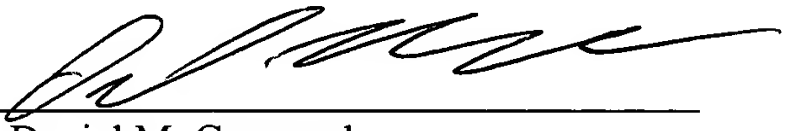
Claim 1 requires that a request for the server to store the information in a database associated with a user of the personal communication device be made by the personal communication device. In contrast, Knockeart does not disclose or suggest that the in vehicle system 105 either makes such a request or even is capable of making such a request. A user of

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the system of Knockeart has to use the Internet or voice telephony to change his or her profile on the server.

Because Knockeart does not disclose or even suggest "requesting, by the personal computer device, that the server store the information in a database associated with a user of the personal computer," a limitation of claim 1 is not met by Knockeart. Therefore, applicant believes that claim 1 is in condition for allowance. Claims 2 and 26-29 depend from claim 1 and hence are in condition for allowance.

Respectfully submitted,  
CHRISTIE, PARKER & HALE, LLP

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